

CONFESSES KILLING TO SAVE BROTHER

Mrs. Theresa Martin. Promised Immunity by Court. Tells of Stabbing Muldoon.

A LIE, SAYS PROSECUTOR

Dramatic Scenes When Testimony Closed at the Trial of James Muldoon.

Mrs. Theresa Martin sat in the witness chair in General Sessions yesterday and told her handkerchief to shreds, which she dropped one by one to the floor while she tried to avoid swearing to what she had already told her counsel—that it was she and not her brother, James Muldoon, on trial for manslaughter in the first degree, who stabbed Charles Muldoon, a Custom House inspector, through the heart in the back room of a saloon at 113th Street and Lenox avenue on the night of last St. Patrick's day.

She had been promised, first by Assistant District Attorney Manley, then by Judge Warren W. Foster complete immunity from prosecution on any possible ground except perjury, no matter what she should say. She had testified that she had held the knife which killed Muldoon, that Muldoon had spoken vilely of her unborn child, whose father was Muldoon, that nobody except herself had seen the stabbing. Time and again the young woman got thus far in her testimony only to stop and cry hysterically and get another bit of her handkerchief from the fragments on the floor.

Mr. Manley finally gave up and let her leave the stand and join a group of her friends who sat with strained faces in a far corner of the courtroom. It was not until her own lawyer, Francis D. Gallatin, recalled her late in the afternoon that the words that everybody had been waiting for were spoken.

"Mrs. Martin," said Mr. Gallatin to the witness, "who struck the blow that killed Muldoon?"

"But that would incriminate myself," was the answer. Mr. Gallatin addressed Judge Foster, saying:

"I wish you would explain to her, your Honor, that what she says cannot be used against her."

The judge once more assured Mrs. Martin that except for possible perjury he law would let her go. She held tight to the arms of her chair as Mr. Gallatin turned to her and said:

"I ask you again who struck the blow which drove the knife through the heart of Muldoon. Did you?"

"Yes, I did."

The accused brother looked at her blankly. Mrs. Martin made her way back to her friends and presently Assistant District Attorney Manley was summing up, telling the jury that he had been perfectly willing to grant immunity because he was sure that Mrs. Martin lied.

Whether she did or not the jury will decide to-day. Judge Foster is to begin his charge at 10 o'clock.

Before Mr. Manley resumed his cross-examination of Mrs. Martin yesterday morning witness after witness had sworn that as far as they knew the young woman was not in the back room of the saloon when the customs inspector, whom she had accused of persuading her to save her husband, was killed.

Michael McIsaac, one of that St. Patrick's night party, said she saw Mrs. Martin on the sidewalk when the revelers fled the room after the stabbing.

William Higgins testified that running down Muldoon's stairs six minutes after Muldoon had been killed he met Mrs. Martin outside and that she told him her brother, Muldoon, had just stabbed Muldoon.

James Heaney, who doubled up water and sugar in the cafe, was sure that Mrs. Martin had been of the party, but had gone out before Muldoon was stabbed and had not returned until twenty minutes after Muldoon crumpled back in his own unconscious. The pianist who played ten times that night, Frank Salvey, swore that just prior to the stabbing Muldoon and Mrs. Martin's brother, James, were sitting at a table alone.

From all this testimony and more Mrs. Martin, twisting and untwisting her handkerchief, insisted that she was there when Muldoon was killed and that her brother was not guilty. She said she had come home to get her carving knife. She asserted herself as returning to the scene and finding Muldoon standing with his back to her ready to bring it down on her brother's head. She said she approached Muldoon with the knife—

"and there her recall halted."

"What did you do with the knife after Muldoon was killed?" asked Mr. Manley.

"I had done nothing with it, no, she had destroyed it. When she got home," she said, she gave her brother \$45 and told him to go away, and then every one would think he was guilty, but he would be innocent and there would be nothing to do with him and he would, "that he would do anything for me," the witness Muldoon Muldoon, he said, gave himself up in Denver one night when in prison.

When the Assistant District Attorney tried to get Mrs. Martin to say what she had done after she entered the saloon the last time, her reply was: "I don't know."

When what have told you, don't you see the District Attorney?" said Judge Foster.

"I don't intend to trust him."

"Are you afraid to trust the Court?"

"No, but I am afraid of the Judge."

Mrs. Martin was sobbing. Judge Foster only explained again that she could not be in a mind without fear and that she should say the truth.

"It was not my brother who killed Muldoon. That's what I want to tell you. Before my God, I am telling you the truth. Jimmy Muldoon did it."

Mrs. Manley was more tired than the witness when he allowed her to go and leave her brother on the stand.

James Muldoon, a slim, black-haired man, said that he had too much drink

WAR AUTOS TRIED OUT.

Trees and Rocks Peppered From Machines Making 55 Miles an Hour.

General Strike Spreading—Turbulent Meetings in Oporto.

Lisbon Under Martial Law

Bomb Throwing and Car Smashing in the Streets—Troops to Overawe Labor Unions.

MOB IN PORTUGAL MURDERS GOVERNOR

General Strike Spreading—Turbulent Meetings in Oporto.

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Bomb Throwing and Car Smashing in the Streets—Troops to Overawe Labor Unions.

Special Cable Despatches to THE SUN.

Lisbon, Jan. 30.—A mob at Moita, near Lisbon, broke into the Government House to-night and hacked the Governor to death with hatchets.

There is great excitement in Oporto and the workers there are disposed to join the general strike. Many turbulent meetings have been held.

Up to midnight 115 persons had been arrested and imprisoned on the warship Adamastor in the Tagus. Soldiers have been brought from Algarve and Alentejo to reinforce the garrison here.

Martial law was proclaimed this evening and Gen. Carvalhaes was appointed military governor of the province. The proclamation suspends individual rights and orders all peaceful citizens to remain indoors after a designated signal is given.

Assembly of the people in the streets are forbidden and if any such manifestations are attempted they are to be dissolved by force. Troops hold the streets and are massed at strategic points. They are also guarding the railroad and telegraph lines.

These measures are preventive rather than curative. They are the result of the general strike of the Federation of Labor ordered yesterday on account of the trouble in the Evora district, the governor of which subdued the agricultural strikers by force. The Federation of Labor took up the cause of the agriculturists but making a deal against the governor whose removal it has demanded.

There has been no general rioting up to the present writing. There have been only a few isolated attacks on street cars which were being run by strike breakers. Some of these tramcars were wrecked. The service on the lines, however, was very poor and it has now been abandoned altogether.

A feature of the strike has been the throwing of small bombs. One of these wrecked a street car. Many others were thrown but caused no damage.

The railroads from the capital are still running and it is understood that the strikers will hold these up only as a last resort. Everything else is succumbing to the strike and a creeping paralysis of all business is developing. Some industries have stopped altogether and others are gradually shutting down as the workers join the general body of strikers.

After the proclamation had been issued the troops drove everybody off the streets and the headquarters of the headquarters of the labor union. Strong forces were posted at either end of these streets to bar passage through them.

Troops have been sent to Setúbal and other towns near the capital where trouble is feared.

BOMBS THROWN IN TIENSIN.

Campaign of Dynamite Growing. U. S. Watching Dr. Sun's Regime.

Special Cable Despatches to THE SUN.

Tientsin, Jan. 30.—Further assassinations with bombs were attempted here to-day by the revolutionists. There was an attempt to blow up the residence of the Viceroy and shortly afterward the vicars of several Generals were attacked. Several suspects were arrested.

These attempted murders to-day indicate that the campaign of dynamite which the revolutionists announced they would carry out is gaining in activity. Several outrages have been committed during the last few days.

The execution of the suspected men is expected shortly.

PERKINS, Jan. 30.—According to a letter received here from a newspaper in Muldoon, Manchuria, the police there, who are a lot of brigands employed by Viceroy Chao Ehr Hsuan, are systematically raiding the homes of prominent men who are suspected of being in sympathy with the revolutionists, assassinating them and carrying off their wives and daughters.

Some of the wealthiest men are held for ransom, which has to be paid either in money, guns or ammunition. If this is not forthcoming they are killed.

Gen. Chao Ehr Hsuan is a brother of Gen. Chao Ehr-feng, the Viceroy of Szechuan, who was killed by the revolutionists at Cheng-tu last December. He is an irreconcilable imperialist. It is thought his actions are inspired by a desire for revenge for the murder of his brother.

WASHINGTON, Jan. 30.—Rear Admiral Murdock has gone to Nankin to observe the doings of the republican government forces organized there according to the views received at the Navy Department to-day.

A representative of the State Department is expected also to be at Nankin soon to keep in touch with the operations of President Sun Yat Sen and the revolutionist organization.

RUN DOWN BY CAR, MAY DIE.

Unknown Well Dressed Man Carried Articles Marked "R. B. G."

A man about 40 years old, wearing a fur lined coat, was run down by an east-bound Twenty-third street car as he was crossing that street just east of Fourth avenue early last night. His skull was fractured and he was taken to Bellevue hospital. The physicians say his condition is critical.

A baggage check showed that he had checked a bag at the Pennsylvania Station at 8:28 P. M. Monday. The number of the check was 33-68-23. A gold tie clasp and a silver earring case bore the initials "R. B. G." A bunch of 25 or so small keys, apparently to trunk and bag locks, bore an identification tag of the United States Registry Company of 156 Fifth avenue. The number on this tag was 15653.

Among the cards in his pocket were those of Miss M. Gerity, milliner, of 467 Fifth avenue, Miss Gerity of 600 Carroll street, Brooklyn, and Percival Scott Clark, 78 Madison street.

BONDS & STOCK CERTIFICATES. Fugitive and stolen bonds, stocks, etc., for sale. 40 John Street. Established 1867.—Ad.

PASTOR'S MARRIAGE BUREAU.

Father Dalton of Kansas City Brings Hundred Young People Together.

ASKS HERRICK TO BE AMBASSADOR IN PARIS

The President Offers the French Embassy Vacancy to the Cleveland Banker.

CAMPAIGN PLAN CHANGES

If Ohio Ex-Governor Doesn't Accept He May Run Pre-Convention Fight for Taft.

WASHINGTON, Jan. 30.—President Taft has offered the post of Ambassador to France to Myron T. Herrick of Cleveland, Ohio. Information of the President's desire to name Mr. Herrick as successor to Robert Bacon was obtained here to-day from excellent authority. It was learned that when the President left Washington on his trip to Ohio he intended to ask Mr. Herrick to accept the post at Paris and if Mr. Herrick should decline to go abroad to invite him to assume charge of the headquarters that are soon to be opened in Washington in furtherance of the Taft campaign for renomination.

Despatches from Columbus to-day indicated that President Taft had authorized the statement that he had not asked Mr. Herrick to take charge of his pre-convention campaign headquarters. In view of this circumstance it is believed here that Mr. Herrick has signified his intention to accept the Paris post or has asked for time to consider it.

The Ambassadorship to France has been open only a few weeks. Mr. Bacon, who has been there for more than two years, resigned to become a fellow of Harvard University. He informed President Taft that he would remain in Paris until his successor was chosen, but indicated that he would like to be relieved as soon as possible.

Mr. Herrick's name has been mentioned frequently in connection with the foreign service and also as a Cabinet possibility since Mr. Taft's election to the Presidency. His name was considered seriously for the Treasury portfolio when the President was making up his official family. Mr. Herrick's circumstances are such as to make him thoroughly available for a post at one of the important European capitals. He has wealth and recently has been curtailing his business activities. He could accept the appointment abroad with little inconvenience if he desired.

Mr. Herrick first gained prominence as a financier and the secretary and treasurer of a Cleveland savings bank. He was born in Huntington, Ohio, in 1854, was graduated from Oberlin College and the Ohio Wesleyan University and was admitted to the bar in Cleveland in 1878. He retired from practice to become an officer of the Society for Savings, of which he was president for many years. He was chairman of the board of directors of the Wheeling and Lake Erie Railroad, vice-president of the American Bankers Association and is interested in many financial enterprises.

For many years Mr. Herrick has been a factor in Ohio politics. He was a warm friend of the late President McKinley, who relied on his advice in many cases. Mr. Herrick was treasurer of the McKinley National Memorial Association. He has attended many Republican conventions as a delegate from Ohio and was at one time that State's representative on the national commission. He was elected Governor of Ohio in 1903, but was defeated for a second term.

Mr. Herrick has always been a warm supporter of President Taft, although the President has not relied on his advice in Ohio matters to as large an extent as he has upon other Ohio Republicans.

If Mr. Herrick accepts the ambassadorship to take charge of the Taft pre-convention management in Washington, the President's friends are unable to suggest who to put in charge of the Taft headquarters. It was learned to-day that Arthur I. Vorys of Ohio, who has been talked of for the place, thinks he will be unable to sacrifice his business. It was learned further to-day that an effort was made by the President when he was in New York to get Otto T. Barnard to give his time to the movement, but Mr. Barnard is not able to do this.

The placing of a man in charge of the Taft headquarters in Washington will not interfere with the President's plan to have his political fortunes directed by Charles D. Hilles, his present secretary.

Mr. Hilles's word will be final. The man in charge of the Washington headquarters would be able to relieve the President's secretary of much of the work and also would be able to assume responsibility for statements that Mr. Hilles in his official capacity could not issue with propriety.

If Mr. Herrick accepts the ambassadorship nothing probably will be done about naming a man for the Washington headquarters until the President has returned to the White House.

COLUMBUS, Ohio, Jan. 30.—President Taft to-night declined to comment upon the report that the ambassadorship to France had been offered to Myron T. Herrick. He would neither confirm nor deny.

NINETEEN MEN STUCK IN ICE.

In Tugs Ten Miles Out in Lake Michigan—Ferryboat Also Fict.

Chicago, Jan. 30.—Nineteen men aboard two tugs are imprisoned by the ice in Lake Michigan ten miles from shore to-night. They have no means of communication with shore and little food. They have enough fuel to last several days.

The tugs are the Andrew H. Green, with Capt. James Shea and nine men aboard, and the H. C. Lydon, manned by Capt. Thomas Snyder and eight men.

A ferryboat is stuck in three feet of ice nine miles off Racine. The boat is presumed to be the Grand Haven, plying between Milwaukee and Grand Haven. A fish tug is preparing to reach it.

SEABOARD AIR LINE RT.

Greatest Winter Resort Route. Best service, via shortest route to Pinesburg, Camden & Florida. 4 line trains. Reg. 116 P.M. way—Ad.

NEBRASKA LEADER ON HARVEY-WATTERSON

Affair—May Pick a Candidate.

DALLAS, Jan. 30.—William Jennings Bryan, en route to his farm in southern Texas, spent two hours here to-night as the guest at a dinner of friends who are outspoken for Woodrow Wilson. In an interview Mr. Bryan commented on the Wilson-Watterson episode. He said:

"In the Harvey-Watterson matter so far Mr. Wilson has been helped rather than hurt by the correspondence. Mr. Wilson is right in believing a man is sometimes hurt by the sort of men clamorous in his support."

Asked regarding a possible expression of his preference as to a Presidential candidate, Mr. Bryan said he would make no announcement at this time, but held himself ready to do so at any time he pleased, intimating that it may be soon. "I am under no bond to keep the peace," he said.

"What about the Joline letter from Wilson?" he was asked.

"A shining illustration that Mr. Wilson is the best modern example of a Saul of Tarsus," he replied. "He has been soundly converted. Any one who talks with him or hears him will be convinced of that. Mr. Wilson's sort of progressiveness is best demonstrated in the Smith incident in New Jersey."

ALL THE UNIONS STRIKE.

General Stoppage of Works in Brisbane, Australia, Over a Button.

SPECIAL CABLE DESPATCHES TO THE SUN.

SYDNEY, Australia, Jan. 30.—A general strike of all trade unionists has been ordered in Brisbane, Queensland, in support of the street car employees, who demand that they be allowed to wear union buttons.

The demand was refused by the board of management of the street railway.

NO VACCINATION MONEY.

Aldermen Stick to Their Refusal to Pay for Protection Against Smallpox.

The Tammany Aldermen blocked again yesterday the proposal of the fusionists to appropriate \$10,000 for a special staff of physicians to visit the schools and tenement houses and vaccinate children. This was despite a personal plea made by Health Commissioner Lederle for the money. Dr. Lederle said that nine cases of smallpox had been discovered in Brooklyn since January 1 and that one of the cases was that of a girl who had been suffering from a mild attack of the disease for thirty days and working in a candy factory all the time.

Alderman Dowling, the Tammany leader, in opposing the appropriation said that if there was any danger of an epidemic it would be of no use to operate with it and that anyway he was opposed to compulsory vaccination. As the resolution required sixty votes it could not be carried with the Tammany Aldermen against it.

WIRELESS PHONE 450 MILES.

Government Installs California's Invention on Two Cruisers.

SAN FRANCISCO, Jan. 30.—Having demonstrated that it was possible to talk by wireless telephone from Mare Island to Point Loma, San Diego, 45 miles distant, the Navy Department has accepted installations of the National Wireless Telegraph and Telephone Company, and the system immediately will be put into operation for Government purposes at Mare Island, Goat Island, Farallone Islands, Table Bluff, Point Arguello and two United States cruisers.

Experiments with the wireless phone, which is a California's invention, have been going on for months, the Government requiring as a satisfactory test a thirty day conversation over a distance of twenty miles. This test was easily met.

THE APPENDIX VINDICATED.

This Surgeon Finds It Useful in Operations for Pellagra.

SPRINGFIELD, S. C., Jan. 30.—Dr. A. D. Cudd, director of the Good Samaritan Hospital and president of the Spartanburg County Medical Society, read a paper on pellagra before the society to-day.

He said:

"I would suspect the majority of cases of pellagra to be a local malady with a general systemic manifestation, and upon this theory I performed nine operations with the loss of one patient and seeming recovery of the other eight."

In four of the operations the vermiform appendix was removed after which an antiseptic solution was injected through the appendix into the colon, or lower end of the large intestine. In Dr. Cudd's opinion the colon is a breeding place for disease germs and the appendix is so arranged that the surgeon can establish a natural canal through the abdominal wall through which to carry antiseptic solution and destroy the germs.

FOR A SHIRT WAIST STRIKE.

Vote of the Workers to Call One Almost Unanimous.

The counting of the ballots for or against a general strike on which the waist and dressmakers have been voting for four days was finished at 3 A. M. yesterday. The vote was almost unanimously for a strike.

TIPS FIGURE IN \$40,000 SUIT.

James A. Hearn & Son Say Their Wagon Builders Paid a Rakeoff to Buyers.

George Schuchman, a wagon builder of 132 East Forty-first street, was sued by James A. Hearn & Son to recover \$41,469, paid to the defendant for new delivery wagons and repairs between 1907 and 1911. The complaint alleges that Schuchman made a secret agreement to pay George Benemann and Frank Kelsey, purchasing agents employed by the plaintiff, 10 per cent. of the amounts due from the plaintiff, which was in violation of the anti-tipping law. The complaint alleges that many of the repairs paid for were never made, that those which were made were paid for in excess of their true value, and that the workmanship was faulty.

The defendant demurred to the complaint and Justice Lehman overruled the demurrer yesterday.

COAST LINES "FLORIDA SPECIAL". Solid train to Palm Beach hotels one night only. All steel electric lighted Pullmans. Leaves 126 P. M. Atlantic Coast Line, 1218 Broadway—Ad.

LAWRENCE STRIKE LEADERS ARRESTED

Editor Held as Accessory to Murder of Woman Killed in Monday's Riot.

ITALIAN ALSO A PRISONER

Boy Killed in Only Clash Yesterday—Firemen's Wage Demand an Ugly Symptom—Foss Turned Down.

LAWRENCE, Mass., Jan. 30.—Joseph J. Eitor of New York, national organizer of the Industrial Workers of the World and leader of the woolen operatives' strike here, was arrested to-night on a charge of being an accessory to the murder of Annie La Pizzia, the Italian striker, who was killed in the riot on Union street early last night. Eitor was arrested at his hotel when he was about to go to bed and was taken to the police station and locked up.

An extra guard of militiamen was thrown about the station for fear that when the news went abroad an attempt might be made to storm the place and rescue Eitor and Giovanni.

Late to-night Capt. Proctor of the State police arrested Arturo M. Giovanni of New York, who is reputed to be the editor of an Italian newspaper published in that city. This man also is charged with being an accessory to the murder of Annie La Pizzia. Giovanni came here about the time Eitor did and has been his chief lieutenant.

It is felt here that the arrest of these two leaders will either hasten the end of the strike or cause a wild outbreak.

His arrest was no surprise to Eitor. The authorities have frequently been urged to take him because of his thinly veiled threats of violence which might be construed as "inciting to riot," but they were slow to make this move because of a lack of witnesses who would swear that he had urged violence.

It is supposed that the charge of being an accessory to the death of Mrs. La Pizzia had its inception in Eitor's inflammatory remarks to the strikers at the mass meetings, and that the authorities will attempt to show that his speeches led to the riot in which the woman was struck by a bullet.

Rumors had been current all day that Eitor was going to be arrested. In addressing the strike committee he said: "There is a rumor that I am going to be arrested. Don't worry. I may be arrested, but I won't be in long."

Probably the charge will be changed to one of a lesser degree. Mrs. La Pizzia was standing on the sidewalk when his by a bullet. None of the police or militiamen fired a shot while they were quelling the riot last evening but some of the strikers discharged revolvers and one man in particular was seen shooting bullets into the ground on the opposite side of the street. The belief last night was that a bullet glanced from a stone in the street and struck the woman. Eitor said to the strikers to-day:

"Our woman comrade who was killed last night certainly was not shot by one of our own kind."

The stationary fireman of Lawrence, who are affiliated with the American Federation of Labor, met to-night and voted to demand a 15 per cent. increase in wages. There are about 100 of these men employed in the mills, the electric and the trolley line power stations.

They did not vote to strike, but their demand for an increase, which is for the same per cent. as that asked by the textile strikers, is considered a dangerous symptom. Before the men can strike in accordance with the rules of the federation they must gain the approval of the officials of that organization.

Eitor declared to-day that he was going to tie up the trolley line and put out the electric lights, but it is doubtful if he has had any conferences with the firemen, who belong to a labor organization to which he has displayed animosity.

Threats of the bayonet and the bullet were effective to-day in preventing a repetition of yesterday's rioting by the striking woolen operatives. Although martial law does not prevail, the presence of twenty-one companies of infantry, two troops of cavalry and fifty metropolitan policemen, in addition to the local force and many private detectives with authority to arrest any disturbers, practically make it appear to be in force.

There was only one clash to-day between the strikers and militia, but that resulted in the death of John Remy, a Syrian, 18 years old, who received a wound in the breast from either a bayonet or a knife and died a few hours later at the Lawrence Hospital. An autopsy is to be made, as the prosecution desires that Remy was not near enough to their ranks to receive a bayonet thrust, and it is asserted that he was stabbed by one of the rioters in a row between 200 Syrians and a squad of militia in the foreign quarter of the city.

The Syrians gathered in Oak street with the intention of parading. Militiamen moved toward the crowd in an attempt to disperse it. The Syrians taunted the soldiers, threw some ice and the militiamen charged. The crowd was scattered, but not until after Remy had received his injuries.

Gov. Ross's eleventh hour mediation proposal has been scornfully rejected by Strike Leader Eitor. Incidentally Eitor hints that the riots of Monday morning were incited by the mill owners.

It is reported that the woman killed last night was shot because she insisted on going to work. On the other hand there is the explanation of a "stray bullet." Firing by the militia early to-day was due to women going to work on the river and refusing to answer the hail of the soldiers, who thereupon fired over their heads.

In the security assured by the militia all except three of the mills resumed work this morning with a slight increase in help over yesterday. In court this morning Undertaker John W. Green, who is charged with planting dynamite, pleaded not guilty. Several rioters were fined. A sympathetic strike of street